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In re Application of :
ENDO *et al* :
U.S. Application No.: 10/510,245 :
PCT No.: PCT/JP03/04751 :
Int. Filing Date: 15 April 2003 :
Priority Date: 16 April 2002 :
Attorney Docket No.: 040474 :
For: RESIST REMOVING APPARATUS :
AND METHOD OF MOVING RESIST :

DECISION

This decision is in response to applicants' "Second Renewed Petition under 37 C.F.R. §1.47(a)" filed 27 September 2007.

BACKGROUND

On 02 August 2007, a decision dismissing applicants' renewed petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 27 September 2007, a second renewed petition under 37 CFR 1.47(a) was filed which was accompanied by, *inter alia*, documentary evidence along with accompanying English translations.

DISCUSSION

In their renewed petition filed 23 July 2007, applicants failed to satisfy item (2) of 37 CFR 1.47(a). Applicants submitted documentary evidence that could not be evaluated as it was not accompanied with an English translation. Applicants were requested to furnish the required translations in a renewed petition.

In the second renewed petition, applicants have provided the required translations of the documentary evidence.

A review of the evidence show that the 37 CFR 1.47(a) applicants attempted to contact the nonsigning inventor using the postal service, email, and facsimile. The 37 CFR 1.47(a) applicants also attempted an internet search of the nonsigning inventor. These attempts were not successful. Nonetheless, the evidence submitted shows that a 'diligent effort' was made by the 37 CFR 1.47(a) applicants as required by section 409.03(d) of the MPEP.

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Item (2) of 37 CFR 1.47(a) is now satisfied.

CONCLUSION

Applicants' second renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 15 April 2003 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 23 July 2007.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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